

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KENNETH WAYNE LEAMING,

11 CASE NO. C13-0759-JCC

12 Plaintiff,

13 ORDER

14 v.

J. SIMMONS,

Defendant.

15 This matter comes before the Court on Report and Recommendation from the Honorable
16 Magistrate Judge James P. Donohue (Dkt. No. 22), and Plaintiff's Order to Show Cause (Dkt.
17 No.). Having thoroughly considered the parties' briefing and the relevant record, the Court finds
18 oral argument unnecessary and hereby ADOPTS the Report and Recommendation.

19 Plaintiff initiated this action on April 10, 2013. (Dkt. No. 1.) On November 6, 2013, he
20 was given an opportunity to file an amended complaint to correct certain specified deficiencies in
21 the Complaint. (Dkt. No. 21.) He filed no amended complaint. The Report and Recommendation
22 therefore recommends dismissing the cause of action pursuant to § 1915(e)(2)(B). (Dkt. No. 22.)

23 Plaintiff did not file objections to the Report and Recommendation, but did file a
24 document titled "Notice of Order to Show Cause." (Dkt. No. 23.) This submission alludes to a
25 range of subjects, including the Magna Carta and the Constitution, "a deprivation of the due
26 process right to establish a complete record," and the duty of the Ninth Circuit to investigate

1 subjects including “surety(s), bond(s), assets, and underwriting (most likely by Fidelity Mutual
2 Insurance).” (Dkt. No. 23.) Even construed liberally, this submission suggests no basis for not
3 adopting the Report and Recommendation.

4 Accordingly, the Court ORDERS:

5 (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 22);
6 (2) This action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)
7 for failure to adequately state a claim for relief;
8 (3) The Clerk is respectfully directed to send copies of this Order to the parties and to the
9 Honorable James P. Donohue.

10 DATED this 11th day of March.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE